

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 CU-02 INRE-00 SSO-00 NSCE-00 USIE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SAM-01 IOE-00 OIC-02 OES-06

SSM-03 /068 W

----- 083746

O R 121430Z NOV 76

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 3957

INFO AMEMBASSY PARIS

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 NAIROBI 12607

NESCO

E.O. 11652: GDS

TAGS: OCON, PORG, UNESCO

1. USDEL HAS JUST OBTAINED FROM AN AFRICAN SOURCE COPY OF
DRAFT RESOLUTION ON JERUSALEM ISSUE DISCUSSED AND AGREED
UPON AT AFRICAN CAUCUS LAST NIGHT (NOV 11). WE ARE MISSING
PAGE 6 BUT WILL TRANSMIT AS SOON AS IT AVAILABLE.

DRAFT RESOLUTION

PRESENTED BY:

JERUSALEM AND THE IMPLEMENTATION OF RESOLUTION 3.427 OF THE
18TH SESSION OF THE GENERAL CONFERENCE

THE GENERAL CONFERENCE,

1. CONSIDERING THE IMPORTANCE OF THE ROLE OF UNESCO, ACCORDING
TO ITS CONSTITUTION, IN THE PROTECTION AND PRESERVATION OF THE
WORLD HERITAGE OF MONUMENTS OF HISTORIC AND SCIENTIFIC VALUE;

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2. CONSIDERING THE EXCEPTIONAL IMPORTANCE OF THE CULTURAL ASSETS EXISTING IN THE OLD CITY OF JERUSALEM NOT ONLY FOR THE COUNTRIES DIRECTLY CONCERNED BUT ALSO FOR HUMANITY IN VIEW OF THEIR UNIQUE VALUE IN THE FIELDS OF CULTURE, HISTORY AND RELIGION;

3. RECALLING ARTICLE 32 OF THE RECOMMENDATION ON INTERNATIONAL PRINCIPLES IN MATTERS OF ARCHEOLOGICAL EXCAVATIONS ADOPTED BY THE GENERAL CONFERENCE AT ITS 9TH SESSION IN NEW DELHI IN 1956, STIPULATING IN THE EVENT OF ARMED CONFLICT A MEMBER STATE THAT MAY OCCUPY THE TERRITORY OF ANOTHER STATE SHOULD ABSTAIN FROM CARRYING OUT ARCHEOLOGICAL EXCAVATIONS IN THE OCCUPIED TERRITORY;

4. CONSIDERING THAT ISRAEL, TAKING ADVANTAGE OF ITS MILITARY OCCUPATION OF THE TERRITORY, HAS UNDERTAKEN UNILATERALLY AND AGAINST ALL RULES OF LAW, TO MODIFY THE CONFIGURATION AND THE STATUS OF THE CITY OF JERUSALEM;

5. CONSIDERING THAT SUCH A SITUATION RESULTING FROM A SHOW OF STRENGTH THAT CHOKES THE CONSCIENCE OF THE WHOLE INTERNATIONAL COMMUNITY, JEOPARDIZES THE CHANCES OF REESTABLISHING PEACE FOR WHICH UNESCO HAS BEEN ASKED TO EXERT ITS EFFORTS, AND HAS BEEN A SUBJECT OF WORLD CONDEMNATION;

6. CONSIDERING THAT BY VIRTUE OF "ITS RESOLUTION 2253 (ES.V), ADOPTED AT THE PLENARY SESSION ON 4 JULY 1967 ON MEASURES TAKEN BY ISRAEL TO MODIFY THE STATUS OF THE CITY OF JERUSALEM," THE GENERAL ASSEMBLY OF THE UNITED NATIONS HAS "REQUESTED ISRAEL TO POSTPONE ALL MEASURES ALREADY TAKEN AND TO ABSTAIN FORTHWITH FROM ANY ACTION THAT MIGHT RESULT IN CHANGING THE STATUS OF JERUSALEM."

7. CONSIDERING THAT ON 14 JULY 1967 AT ITS 1554TH PLENARY SESSION, THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

"HAVING HEARD THE REPORT PRESENTED BY THE SECRETARY-GENERAL

"HAVING TAKEN NOTE WITH THE DEEPEST REGRET AND THE MOST SERIOUS ANXIETY OF THE FACT THAT ISRAEL HAS NOT COMPLIED
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WITH RESOLUTION 2253 (ES.V)

1. DEPLORES THAT ISRAEL HAS FAILED TO IMPLEMENT
RESOLUTION 2253 (ES.V) OF THE GENERAL ASSEMBLY

2. REITERATES ITS REQUEST ADDRESSED TO ISRAEL IN THE SAID
RESOLUTION TO POSTPONE ALL MEASURES ALREADY TAKEN AND TO
ABSTAIN FORTHWITH FROM ANY ACTION THAT MIGHT RESULT IN

CHANGING THE STATUS OF JERUSALEM;

3. REQUESTS THE SECRETARY GENERAL TO REPORT TO THE SECURITY COUNCIL AND TO THE GENERAL ASSEMBLY ON THE SITUATION AND THE IMPLEMENTATION OF THIS RESOLUTION";

8. CONSIDERING THAT ON 21 MAY 1968 HAVING RECEIVED A LETTER FROM THE PERMANENT REPRESENTATIVE OF JORDAN AND A REPORT FROM THE SECRETARY-GENERAL (S.8146/29) THE SECURITY COUNCIL OF THE UNITED NATIONS BY A RESOLUTION NO. 252 (1968) ADOPTED WITHOUT OPPOSITION AT ITS 1426TH SESSION

NOTING THAT SINCE THE ADOPTION OF THE ABOVE-MENTIONED RESOLUTIONS ISRAEL HAS TAKEN FURTHER MEASURES AND ACTIONS IN CONTRAVENTION OF THOSE RESOLUTIONS,

BEARING IN MIND THE NEED TO WORK FOR A JUST AND LASTING PEACE,

REAFFIRMING THAT ACQUISITION OF TERRITORY BY MILITARY CONQUEST IS INADMISSIBLE,

1. DEPLORES THE FAILURE OF ISRAEL TO COMPLY WITH THE GENERAL ASSEMBLY RESOLUTIONS MENTIONED ABOVE;

2. CONSIDERS THAT ALL LEGISLATIVE AND ADMINISTRATIVE MEASURES AND ACTIONS TAKEN BY ISRAEL, INCLUDING EXPROPRIATION OF LAND AND PROPERTIES THEREON, WHICH TEND TO CHANGE THE LEGAL STATUS OF JERUSALEM ARE INVALID AND CANNOT CHANGE THAT STATUS;

3. URGENTLY CALLS UPON ISRAEL TO RESCIND ALL SUCH MEASURES ALREADY TAKEN AND TO DESIST FORTHWITH FROM TAKING ANY FURTHER ACTION WHICH TENDS TO CHANGE THE CONFIDENTIAL

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STATUS OF JERUSALEM;

9. CONSIDERING THAT ON 3 JULY 1969 AT ITS 1485TH SESSION, THE SECURITY COUNCIL OF THE UNITED NATIONS BY ITS RESOLUTION NO. 267 (1969) HAVING NOTED THAT ISRAEL, IN UTTER DISREGARD OF THE ABOVE-MENTIONED RESOLUTIONS CONTINUES TO TAKE STEPS AIMED AT CHANGING THE STATUS OF THE CITY OF JERUSALEM

REAFFIRMING THE ESTABLISHED PRINCIPLE THAT ACQUISITION OF TERRITORY BY MILITARY CONQUEST IS INADMISSIBLE,

1. REAFFIRMS ITS RESOLUTION 252 (1968);

2. DEPLORES THE FAILURE OF ISRAEL TO SHOW ANY REGARD FOR THE RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE

SECURITY CONCIL MENTIONED ABOVE;

3. CENSURES IN THE STRONGEST TERMS ALL MEASURES
TAKEN TO CHANGE THE STATUS OF THE CITY OF JERUSALEM;

4. CONFIRMS THAT ALL LEGISLATIVE AND ADMINISTRATIVE
MEASURES AND ACTIONS TAKEN BY ISRAEL WHICH PURPORT TO
ALTER THE STATUS OF JERUSALEM, INCLUDING EXPROPRIATION
OF LAND AND PROPERTIES THEREON, ARE INVALID AND CANNOT
CHANGE THAT STATUS;

5. URGENTLY CALLS ONCE MORE UPON ISRAEL TO RESCIND
FORTHWITH ALL MEASURES TAKEN BY IT WHICH MAY TEND TO
CHANGE THE STATUS OF THE CITY OF JERUSALEM, AND IN
FUTURE TO REFRAIN FROM ALL ACTIONS LIKELY TO HAVE SUCH
AN EFFECT;

6. REQUESTS ISRAEL TO INFORM THE SECURITY COUNCIL
WITHOUT ANY FURTHER DELAY OF ITS INTENTIONS WITH REGARD
TO THE IMPLEMENTATION OF THE PROVISIONS OF THE PRESENT
RESOLUTION;

7. DETERMINES THAT, IN THE EVENT OF A NEGATIVE RESPONSE
OR NO RESPONSE FROM ISRAEL, THE SECURITY COUNCIL
SHALL RECONVENE WITHOUT DELAY TO CONSIDER WHAT FURTHER
ACTION SHOULD BE TAKEN IN THIS MATTER;
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8. REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE
SECURITY COUNCIL ON THE IMPLEMENTATION OF THE PRESENT
RESOLUTION.
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ACTION IO-13

INFO OCT-01 ISO-00 CU-02 INRE-00 SSO-00 NSCE-00 USIE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SAM-01 IOE-00 OIC-02 OES-06

SSM-03 /068 W

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O R 121430Z NOV 76

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 3958

INFO USMISSION USUN NEW YORK

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NESCO

10. CONSIDERING THAT THIS RESOLUTION OF THE SECURITY COUNCIL
OF THE UNITED NATIONS HAS BEEN UNANIMOUSLY ADOPTED

11. CONSIDERING THAT THE SECURITY COUNCIL OF THE UNITED
NATIONS HAS AGAIN BY ITS RESOLUTION NO. 298 (1971) ADOPTED
WITHOUT OPPOSITION AT ITS 1582 SESSION DEPLORED THAT ISRAEL HAS
TOTALLY IGNORED THE PREVIOUS RESOLUTIONS OF THE GENERAL ASSEMBLY
AND OF THE SECURITY COUNCIL AND HAS CLEARLY REITERATED THE
CONTENTS THEREOF

12. CONSIDERING FINALLY THAT THE UNITED NATIONS GENERAL
ASSEMBLY ITSELF BY RESOLUTION 2949 (XXVII) ON THE SITUATION
IN THE MIDDLE EAST ADOPTED AT ITS 2105 PLENARY SESSION ON 8
DECEMBER 1972 STIPULATES AMONG OTHER THINGS:

REAFFIRMING THAT THE TERRITORY OF A STATE SHALL NOT
BE THE OBJECT OF OCCUPATION OR ACQUISITION BY ANOTHER
STATE RESULTING FROM THE THREAT OR USE OF FORCE,

AFFIRMING THAT CHANGES IN THE PHYSICAL CHARACTER OR
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DEMOGRAPHIC COMPOSITION OF OCCUPIED TERRITORIES ARE
CONTRARY TO THE PURPOSES AND PRINCIPLES OF THE CHARTER
OF THE UNITED NATIONS, AS WELL AS TO THE PROVISIONS OF
THE RELEVANT APPLICABLE INTERNATIONAL CONVENTIONS,

CONVINCED THAT THE GRAVE SITUATION PREVAILING IN THE
MIDDLE EAST CONSTITUTES A SERIOUS THREAT TO INTERNATIONAL
PACE AND SECURITY,

REAFFIRMING THE RESPONSIBILITY OF THE UNITED NATIONS
TO RESTORE PEACE AND SECURITY IN THE MIDDLE EAST IN THE

IMMEDIATE FUTURE,

1. REAFFIRMS ITS RESOLUTION 2799 (XXVI);
2. DEPLORES THE NON-COMPLIANCE BY ISRAEL WITH
GENERAL ASSEMBLY RESOLUTION 2799 (XXVI), WHICH IN PARTICULAR
CALLED UPON ISRAEL TO RESPOND FAVOURABLY TO THE PEACE INITIATIVE
OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL TO THE
MIDDLE EAST;
3. EXPRESSES ITS FULL SUPPORT FOR THE EFFORTS OF THE
SECRETARY-GENERAL AND HIS SPECIAL REPRESENTATIVE;
4. DECLARES ONCE MORE THAT THE ACQUISITION OF
TERRITORIES BY FORCE IS INADMISSIBLE AND THAT, CONSEQUENTLY,
TERRITORIES THUS OCCUPIED MUST BE RESTORED;
5. REAFFIRMS THAT THE ESTABLISHMENT OF A JUST AND
LASTING PEACE IN THE MIDDLE EAST SHOULD INCLUDE THE
APPLICATION OF BOTH THE FOLLOWING PRINCIPLES;
 - (A) WITHDRAWAL OF ISRAELI ARMED FORCES FROM TERRITORIES
OCCUPIED IN THE RECENT CONFLICT;
 - (B) TERMINATION OF ALL CLAIMS OR STATES OF BELLIGERENCY
AND RESPECT FOR AND ACKNOWLEDGEMENT OF THE SOVEREIGNTY,
TERRITORIAL INTEGRITY AND POLITICAL INDEPENDENCE OF EVERY
STATE IN THE AREA AND ITS RIGHT TO LIVE IN PEACE WITHIN SECURE
AND RECOGNIZED BOUNDARIES FREE FROM THREATS OR ACTS OF FORCE;

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6. INVITES ISRAEL TO DECLARE PUBLICLY ITS ADHERENCE
TO THE PRINCIPLE OF NON-ANNEXATION OF TERRITORIES THROUGH
THE USE OF FORCE;
 7. DECLARES THAT CHANGES CARRIED OUT BY ISRAEL IN
THE OCCUPIED ARAB TERRITORIES IN CONTRAVENTION OF THE
GENEVA CONVENTIONS OF 12 AUGUST 1949 ARE NULL AND
VOID, AND CALLS UPON ISRAEL TO RESCIND FORTHWITH ALL SUCH
MEASURES AND TO DESIST FROM ALL POLICIES AND PRACTICES
- ((NOTE: MISSING PAGE 6 OF DR TO BE INSERTED HERE))
- OTHER MEMBER STATES THUS HAMPERING THE ORGANIZATION IN CARRYING
OUT, AS SHOULD BE, THE MISSION DEVOLVED UPON IT BY THE
CONSITUION.
- CONSIDERING THAT IT IS RATHER VAIN TO PRETEND AS WAS CLAIMED
BY THE DELEGATION OF ISRAEL, THAT THE ISRAELI GOVERNMENT, BY

SHEER RESPECT FOR THE FREEDOM OF UNIVERSITIES, IS NOT QUALIFIED TO ORDER A CESSATION OF ARCHEOLOGICAL EXCAVATIONS BEING CARRIED OUT IN JERUSALEM WITH A THREAT TO THE PRESERVATION OF THE CULTURAL HERITAGE WHICH ARE NOT A FEATURE OF THE RESEARCH PROGRAMME OF ISRAEL AND WHICH CONSTITUTE A THREAT TO PEACE IN THE REGION

AFFIRMS SOLEMNLY THE RIGHT OF EACH PEOPLE NOT TO BE DEPRIVED OF IMPORTANT TESTIMONIES OF HIS PAST UNDER THE PRETEXT OF RESEARCH ON RELICS OF ANOTHER CULTURE

CONSIDERING THAT A LIBERAL SOCIETY, WHATEVER THAT BE, CANNOT ASSIMILATE ITSELF TO AN ANARCHIC SOCIETY; THAT IN ISRAEL FAR LESS THAN ELSEWHERE UNIVERSITY AUTHORITIES CANNOT UNDERTAKE WITH IMPUNITY TO VIOLATE ABODES, PROPERTY AND OTHER PEOPLE'S TERRITORIES UNDER THE PRETEXT OF THE FREEDOM OF THE UNIVERSITY

CONSIDERING THAT THESE EXCAVATIONS WERE ONLY UNDERTAKEN AFTER APPROVAL AND PERMISSION FROM THE GOVERNMENT THAT HAS, TO ALL INTENTS AND PURPOSES, PROMULGATED LEGISLATION AND TAKEN RULES AND REGULATIONS ON EXPROPRIATION WHICH HAVE ALL BEEN CONDEMNED BY THE UNITED NATIONS, THE LATTER HAVING WITHIN ALL ITS BODIES REQUESTED THAT SUCH STEPS BE NULLIFIED

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RECALLING TO THIS EFFECT ARTICLE 13 OF THE NEW DELHI RECOMMENDATIONS EARLIER REFERRED TO WHICH STIPULATES "EACH MEMBER STATE ON WHOSE TERRITORY EXCAVATIONS ARE TO BE CARRIED OUT SHOULD APPLY THE GENERAL CONDITIONS GOVERNING THE AREA OF SUCH EXCAVATIONS.

CONSIDERING THAT MEMBER STATES AS A WHOLE CANNOT BUT EXPRESSLY DEPLORE AND DISAPPROVE THIS BEHAVIOR OF ISRAEL

GUIDED BY PREVIOUS DECISIONS ADOPTED BY THE GENERAL CONFERENCE SINCE ITS FOURTEENTH SESSION, DECISIONS WHICH HAVE ALL BEEN WITHOUT EFFECT, (14C/RESOLUTION II - 15C/RESOLUTION 9.12 ET 9.14, 16C/RESOLUTION 8, 17C/RESOLUTION 10.1 AND 18C/RESOLUTION 3.427).

A. REAFFIRMS ALL THE ABOVE-MENTIONED RESOLUTIONS AS REGARDS JERUSALEM AND INSISTS THAT THEY BE IMPLEMENTED

B. MAKES A SOLEMN APPEAL TO ISRAEL TO CEASE FORTHWITH EXCAVATIONS ILLEGALLY UNDERTAKEN AND TO ABROGATE MEASURES AIMED AT CHANGING THE CHARACTER AND STATUS OF THE CITY OF JERUSALEM

C. CALLS ON ALL MEMBER STATES NOT TO GIVE RECOGNITION TO ANY MODIFICATIONS NOR TO ANY MEASURES TAKEN BY ISRAEL IN JERUSALEM IN VIOLATION OF RESOLUTIONS ADOPTED BY THE UNITED NATIONS AND UNESCO AND ESPECIALLY TO WITHHOLD THEIR COOPERATION

D. CALLS ON THE DIRECTOR-GENERAL TO REDOUBLE HIS EFFORTS IN ACHIEVING THE OBJECTIVES CONTAINED IN THESE RESOLUTIONS ADOPTED EITHER BY THE UNITED NATIONS OR BY UNESCO, RECALLED AND REAFFIRMED HEREABOVE.

CALLS ON THE DIRECTOR-GENERAL TO KEEP THE EXECUTIVE BOARD INFORMED AND TO REPORT TO THE NEXT SESSION OF THE GENERAL CONFERENCE THAT SHALL TAKE, IN THE LIGHT OF THE CONCLUSIONS OF THIS REPORT AND RECOMMENDATIONS OF THE EXECUTIVE BOARD ANY SUBSEQUENT STEPS AS CIRCUMSTANCES SHALL DEMAND.

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END TEXT

2. WE UNDERSTAND THAT THE ARAB GROUP WILL COME UP WITH THEIR OWN DR ON SUBJECT ITEM AND WE WERE PROMISED A COPY AS SOON AS GROUP AGREES ON TEXT.

3. DEPT'S GUIDANCE, ESPECIALLY AS TO USG POSITIONS ON NUMEROUS UNITED NATIONS RESOLUTIONS CITED IN AFRICAN DRAFT, URGENTLY REQUESTED. WE ANTICIPATE ITEM WILL COME UP IN COMMISSION II NOVEMBER 16.
MARSHALL

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Disposition Authority: coburnhl
Disposition Case Number: n/a
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Margaret P. Grafeld
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EO Systematic Review
04 MAY 2006

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To: STATE
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